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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,176	11/20/2000	Charles E. Sigler JR.	XIUS-006XX	6429
207 7590 03/24/2009 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109				
EXAMINER				
WORJLOH, JALATIE				
ART UNIT		PAPER NUMBER		
3685				
MAIL DATE		DELIVERY MODE		
03/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/715,176

**Applicant(s)**

SIGLER ET AL.

**Examiner**

Jalatee Worjloh

**Art Unit**

3685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-13, 24, 43-50 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, 24, 43-50 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is responsive to the amendment filed December 29, 2008.
2. Claims 1-7, 9-13, 24, 43-50 and 52 are pending.

***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7, 9-13, 24, 43-50 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Applicants amended the claims to recite “plurality of indicators corresponding to a plurality of different payment methods”, and “wherein said one of said plurality of different payment methods for purchasing is selected by said computerized buyer device using the anonymous identifier. If Applicants disagree, please clearly identify there these features are taught.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-14 and 43-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2006/0247952 to Stolfo et al. ("Stolfo").

Referring to claims 1-4 and 6-7, Stolfo discloses receiving, by a computerized trusted third party system from a computerized buyer device (i.e. the proxy software on the user computer) a plurality of indicators corresponding to a plurality of different payment methods, respectively; assigning, by one or more of said computerized buyer device an said computerized trusted third party system, an anonymous identifier to each of said plurality of different payment methods (see abstract, paragraphs [0085] & [0086]), for each of said plurality of different payment methods, populating, by said computerized trusted third party system, a digital repository with data that is associated with said buyer, said data including a buyer identification indicator, the indicator corresponding to the respective payment method, and the anonymous identifier assigned to the respective payment method (see paragraphs [0139] & [0083]), wherein one of the plurality of different payment methods for purchasing said product is selected by said computerized buyer device using the anonymous identifiers, receiving, by said computerized trusted third party system from said computerized buyer device, the anonymous identifier being received as an anonymous payment method for said product that said buyer is purchasing, said

product having a total sale price (see abstract & paragraph [0086]); receiving, by said computerized trusted third party system from a computerized seller device, said total sale price for payment approval of said product that said buyer is purchasing (see paragraph [0008]), wherein the selected payment method for purchasing said product is concealed from said seller (see abstract), using the received anonymous identifier to determine the selected payment method, requesting, by said computerized trusted third party system, payment approval from a payment partner (e.g. the bank) by providing said payment partner processor a description of the selected payment method determined in said querying step and said total sale price and providing, By said computerized trusted third party system said payment approval to said computerized seller device (see paragraph [0063] and fig. 3E-3F). As for querying the digital repository, this is an inherent step. That is, Stolfo teaches a database that maps the user's true identity (including his payment methods) to his anonymous identity. During authorization, the anonymous identity is used to identify the true identity.

Referring to claims 2-4, 6, and 7, Stolfo discloses the method wherein said payment partner processor is a credit processor that receives credit approval from a credit approval authority; wherein the selected payment method is one or more of a credit card, a debit card, an e-check, and a direct debit account (see paragraphs [0085] & abstract); wherein one or more of the anonymous identifiers is a one-time use code; wherein one or more of the anonymous identifiers is a unique code (see claim 1 above).

Referring to claim 5, Stolfo discloses the anonymous identifier (see claim 1 above). Stolfo does not expressly disclose the anonymous identifier. However, the difference is only found in the nonfunctional descriptive material and is not functionally involved in the receiving,

assigning, populating, and receiving steps recited. The steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 UPSQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive, assign, populate and receive any type of data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claims 9-12 are rejected on the same rationale as claims 1 and 5-8 above.

Claim 24 is rejected on the same rationale as claim 1 above.

Claims 43-50 are rejected on the same rationale as claims 1- 7 above.

Claim 52 is rejected on the same rationale as claim 1 above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30 for regular communications and 571-273-6714 for Non-Official /Draft.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685